# OPEN MEETING ITEM MEMORANDUM



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TO: THE COMMISSION

FROM: Utilities Division

DATE: April 17, 2001

AZ CORP COMMISSION DOCUMENT CONTROL

RE:

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A US WEST COMMUNICATIONS, INC., FOR APPROVAL OF A PAGING INTERCONNECTION AGREEMENT WEBLINK WIRELESS, INC. (DOCKET NO.

T-01051B-01-0212)

On March 8, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an application for approval of an Interconnection Agreement between Qwest and Weblink Wireless, Inc. ("Weblink"). The term of the Agreement shall be effective upon Commission approval and remain in effect until January 18, 2002. Upon expiration, the agreement shall remain in force and effect until terminated by either party on one hundred sixty (160) days written notice. The Agreement governs the terms and conditions under which Qwest will offer interconnection to Weblink.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Agreement between Qwest and Weblink was voluntarily negotiated, without resort to arbitration.

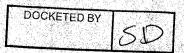
Under the terms of the Agreement, Qwest will provide services to interconnect its network with Weblink Wireless' network. The Agreement covers both Type 1 and Type 2 Paging Connection Service which enables Qwest's end users and other telecommunications carriers transiting Owest's network to page end users of Weblink's network.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission

DOCKETED

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Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Interconnection Agreement between Qwest and Weblink.

Deborah R. Scott

Director

**Utilities Division** 

DRS:EAA:lhm\MAS

ORIGINATOR: Erinn Andreasen

### BEFORE THE ARIZONA CORPORATION COMMISSION

2	WILLIAM A. MUNDELL	
ړ	Chairman	
3	JIM IRVIN Commissioner	
4	MARC SPITZER	
اے	Commissioner	
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6	IN THE MATTER OF THE APPLICATION )	DOCKET NO. T-01051B-01-0212
7	OF QWEST CORPORATION F/K/A U S WEST )	
	COMMUNICATIONS, INC., FOR APPROVAL ) OF A PAGING CONNECTION AGREEMENT )	DECISION NO.
8	·WITH WEBLINK WIRELESS, INC.	DECISION 110.
۵	)	<u>ORDER</u>
7		
10	Open Meeting	
11	May 1 and 2, 2001	
11	Phoenix, Arizona	
12	BY THE COMMISSION:	

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### FINDINGS OF FACT

- 1. On March 8, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an application for approval of an Interconnection Agreement between Qwest, and Weblink Wireless, Inc. ("Weblink"). The term of the Agreement shall be effective upon Commission approval and remain in effect until January 18, 2002. Upon expiration, the Agreement shall remain in force and effect until terminated by either party on one hundred sixty (160) days written notice. The Agreement governs the terms and conditions under which Qwest will offer interconnection to Weblink.
- 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local 22 exchange carriers to make their networks available for interconnection and resale by new entrants 23 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to 24 be concluded by voluntary negotiation.
  - 3. This Agreement between Qwest and Weblink was voluntarily negotiated, without resort to arbitration.
    - Under the terms of the Agreement, Qwest will provide services to interconnect its network with Weblink Wireless' network. The Agreement covers both Type 1 and Type 2 Paging

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Connection Service which enables Qwest's end users and other telecommunications carriers transiting Owest's network to page end users of Weblink's network.

- According to the 1996 Act and Commission Rule, the Commission must approve 5. voluntarily negotiated interconnection and resale agreements, if their provisions are nondiscriminatory and in the public interest.
- Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Owest is offering the same terms and conditions of the Agreement to all other Interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.
- Since there are no grounds for rejection of the Agreement pursuant to Section 7. 11 || 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the 12 Interconnection Agreement between Qwest and Weblink.

## **CONCLUSIONS OF LAW**

- Qwest is an Arizona public service corporation within the meaning of Article XV, 1. Section 2. of the Arizona Constitution.
- The Commission has jurisdiction over Weblink and over the subject matter of the 2. Application.
- The Commission, having reviewed the Application and Staff's Memorandum has 3. determined that the Interconnection Agreement negotiated between Qwest and Weblink meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarilynegotiated agreements and is in the public interest.
- The Commission maintains jurisdiction over the subject matter of the Agreement 4. and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder.

Decision No.

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Decision No.

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1		ORDER				
2	THEREFORE, IT IS C	ORDERED that the Comm	mission hereby	approves	the	
3	Interconnection Agreement between	n Qwest and Weblink filed on	March 8, 2001.			
4	IT IS FURTHER ORDERED that this Decision shall become effective immediately.					
5	·					
6	BY ORDER OF THE ARIZONA CORPORATION COMMISSION					
7				-		
8	CHAIRMAN	COMMISSIONER	COI	MMISSIONI	ΞR	
9		IN WITNESS WHERE Executive Secretary of	OF, I, BRIAN f the Arizon	Corpora	EIL	
10		Commission, have hereun official seal of this Commis	to, set my hand	and caused	l the	
11		in the City of Phoenix, this	day of	, 20	001.	
12						
13	·					
14		BRIAN C. McNEIL Executive Secretary				
15 16						
17	Diagram					
18	DISSENT: DRS:EAA:lhm\MAS	<del></del>				
19	DRS:EAA:IIIII\WAS					
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